MULTIMEDIA UNIVERSITY STUDENT IDENTIFICATION NO

MULTIMEDIA UNIVERSITY
FINAL EXAMINATION

TRIMESTER 1, 2019/2020

ULM 1612 – LEGAL METHOD

(All Sections/Groups)

14 OCTOBER 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 Pages and 5 Questions only.

3. Section A is Compulsory and carries 75 marks. In Section B attempt either Question 4(a) or 4(b). The distribution of the marks for each question is given.

4. Students are not allowed to bring any statute into the Examination Hall

5. Please write all your answers in the Answer Booklet provided.

SECTION A – ANSWER ALL THE QUESTIONS

QUESTION 1

There are two (2) major legal systems operating in the world today – the "Civil Law System" and the "Common Law System".

Explain the differences between these two types of legal systems.

(Total:25 Marks)

QUESTION 2

Explain how legal reasoning is applied by judges and lawyers. You are further required to discuss the legal skills that are required to be a good lawyer.

(Total:25 Marks)

QUESTION 3

Both the facts and the Act below are hypothetical in nature.

Facts: Jack was the holder of a driver's licence under the Motor Traffic Act 2018. While he was driving his car down the street, he became annoyed at the way another motorist, Joe, was driving the car.

He followed the said car to a parking lot at a shopping mall. He stopped his car and went over to Joe, who was still sitting behind the wheel of his parked car. Jack knocked on the car's window. Joe opened the window. Jack told Joe that he was an idiot and not fit to drive the car. He then punched Joe on the face.

Jack was later convicted in the Magistrate Court for causing hurt to Joe. He was fined RM2,000 and his licence was suspended for 6 months under section 20 of the Motor Traffic Act 2018 which provides:

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S 20. Cancellation of licence

Any court before which a person is convicted of any offence in connection with the of a motor car, may, if the person is convicted of the offence hold any licence to drive a motor car under this Act, cancel the licence.

Based on the above facts, prepare a persuasive argument to support Jack's appeal against the suspension of his licence.

(Total:25 marks)

SECTION B – ANSWER EITHER QUESTION 4(A) OR QUESTION 4(B)

QUESTION 4A (i) and (ii)

i. With reference to the decided cases, explain the Golden Rule and Mischief Rule and when do judges apply them?

(15 marks)

ii. Discuss the doctrine of *Stare decisis* in Malaysia.
Illustrate your answer with cases (if any).

(10 marks)

(Total: 25 Marks)

QUESTION 4 B (i) and (ii)

(i) Explain the following Latin legal terms and provide examples:

(a) Res Judicata

(b) Res Ipsa Loquitur

(a) Prima Facie

(b) Ultra vires

(e) *Habeas corpus*

(10 Marks)

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(ii) *"Case law allows for judicial creativity to ensure that the law is keeping up with the fast pace of social and economic development."*

Do you agree with the above statement? Support your answer with reasons and case laws.

(15 Marks)

(Total:25 Marks)

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